

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY APRIL 11, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2285

Introduced by Assembly Member Eng

February 24, 2012

An act to add Section ~~13510.3~~ *13510.4* to the Penal Code, relating to peace officer training.

LEGISLATIVE COUNSEL'S DIGEST

AB 2285, as amended, Eng. Peace officer testing: cheating.

Existing law requires the Commission on Peace Officer Standards and Training to establish a certification program for peace officers and for the California Highway Patrol and to establish minimum standards relating to physical, mental, and moral fitness for peace officers, as specified.

This bill would make a peace officer ~~recruit~~ *trainee, as defined*, who knowingly cheats, assists in cheating, or aids, abets, or knowingly conceals efforts by others to cheat in any manner on a basic course examination mandated by the commission liable for a fine of not more than \$5,000 per occurrence. Additionally, the bill would require the peace officer ~~recruit~~ *trainee* to reimburse the commission for the cost of reconstructing and securing tests that have been compromised by the act of cheating, in an amount determined by the commission, but not to exceed \$25,000. The bill would disqualify a peace officer ~~recruit~~ *trainee* who is found liable for cheating from future eligibility as a peace officer and would require the commission to note that disqualification in the person's training record.

This bill would express the Legislature's findings and declarations relating to the Peace Officer Standards and Training examination process.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that the Peace
2 Officer Standards and Training (POST) examination process must
3 be secure and beyond reproach, and that the conduct of students,
4 instructors, examiners, examinees, and staff before, during, or after
5 POST examinations must be in conformance with the highest
6 standards of conduct expected of a California peace officer. The
7 Legislature therefore finds that a peace officer-~~recruit~~ *trainee*
8 should be liable for cheating before, during, or after any
9 POST-mandated basic course examination.

10 SEC. 2. Section ~~13510.3~~ *13510.4* is added to the Penal Code,
11 to read:

12 ~~13510.3.~~

13 *13510.4.* (a) A peace officer-~~recruit~~ *trainee* who, based on the
14 commission's investigative findings, knowingly cheats, assists in
15 cheating, or aids, abets, or knowingly conceals efforts by others
16 to cheat in any manner on a basic course examination mandated
17 by the commission shall be liable for a civil fine of not more than
18 five thousand dollars (\$5,000) per occurrence.

19 (b) In addition to the fine described in subdivision (a), a peace
20 officer-~~recruit~~ *trainee* shall reimburse the commission for the cost
21 of reconstructing and securing tests that have been compromised
22 by the act of cheating, as determined by the commission, but not
23 to exceed twenty-five thousand dollars (\$25,000).

24 (c) A peace officer-~~recruit~~ *trainee* who is found liable under
25 subdivision (a) shall be disqualified from future eligibility as a
26 peace officer in California. When a person is determined to be
27 disqualified under this subdivision, the commission shall place the
28 following in the commission's training record for that person:
29 "THIS PERSON IS INELIGIBLE TO BE A PEACE OFFICER
30 IN CALIFORNIA PURSUANT TO SECTION 13510.3 OF THE
31 PENAL CODE."

1 (d) For purposes of this section, “cheating” means any attempt
2 or act by a peace officer-~~recruit~~ *trainee* to gain an unfair advantage
3 or give an unfair advantage to another peace officer-~~recruit~~ *trainee*
4 or group of ~~recruits~~ *trainees* taking a POST-mandated basic course
5 examination.

6 (e) *For purposes of this section, “peace officer trainee” means*
7 *an applicant for a basic course examination who has not been*
8 *hired by a department or agency and who has not been sworn as*
9 *a peace officer.*

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